

1 **REMARKS**

2 The Applicant respectfully requests reconsideration and allowance of claims 39-42 and
3 44-51, and consideration of new claims 52 and 53 in view of the arguments presented below.

4 The Applicant notes that the Final Office Action does not indicate whether the drawings
5 are accepted. Absent any indication to the contrary, the Applicant assumes that the original
6 drawings filed in the case on July 20, 2005, are accepted.

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8 I. THE TELEPHONE INTERVIEW

9 The Applicant appreciates the telephone interview conducted between Examiner
10 Williams and the undersigned attorney on February 26, 2008. In the telephone interview, the
11 participants discussed claims 31 (amended as shown in the interview request form and
12 attachment submitted to the Examiner on February 20, 2008), 37, 38, 50, and 51. The Examiner
13 indicated that the proposed amendment to claim 31 appeared to distinguish over the prior art and
14 that the subject matter of claims 37 and 38 may be allowable. With regard to claims 50 and 51,
15 the undersigned attorney pointed out the differences between the radially slotted plates 3', wall
16 sections 3, and the housing members 51 and 53 shown in Figures 8a-c. These differences are
17 described further below along with the differences between the radially slotted plate structure set
18 out in claims 50 and 51, and the structure shown in the Emmert reference, U.S. patent No.
19 4,638,724. No agreement was reached as to the allowability of the claims.

1 II. THE CLAIM AMENDMENTS

2 Claims 28-31 and 33-38 are canceled above without prejudice. New claims 52 and 53 are
3 added as dependent claims to require multiple separate force-applying elements as shown
4 particularly in Figure 6b of the present application. Claim 40 is amended above to remove the
5 term "preferably" which was inadvertently overlooked in the amendments filed November 6,
6 2007 and claim 50 is amended to add back the word "as" which was inadvertently deleted in the
7 November 6, 2007 amendments. Claims 39-42 and 44-53 will be pending in the case upon entry
8 of new claims 52 and 53.

9 It is noted that the above amendments merely cancel claims, correct the indicated error in
10 claims 40 and 50, and add dependent claims 52 and 53. Claims 39-42, and 44-51 are not
11 substantively amended after the Final Office Action.

12 Although the Applicant has, in the course of the present application, amended claims 39-
13 42 and 44-50, and has canceled claims 1-38 from further consideration in this application, the
14 Applicant is not conceding in this application that the canceled claims are not patentable over the
15 cited art. The claim amendments and cancellations are only for facilitating expeditious
16 prosecution of the remaining claims directed to the ring-shaped plate embodiments of the
17 invention illustrated in Figures 6-8. The Applicant respectfully reserves the right to pursue the
18 rejected claims and other claims in one or more continuations and/or divisional patent
19 applications.

1 III. THE CLAIMS ARE NOT OBVIOUS IN VIEW OF THE CITED REFERENCES

2 The Final Office Action rejected claims 28-31 and 36-38 under 35 U.S.C. § 103(a) as
3 being unpatentable over WO 01/34990 A1 to Muller (corresponding to U.S. Patent No.
4 6,629,584) (the "Muller reference" or "Muller"), and rejected claims 33-35, 39-42, and 44-51 as
5 being unpatentable over Muller in view of U.S. Patent No. 4,638,724 to Emmert ("Emmert" or
6 the "Emmert patent"). The Applicant believes that all of the rejections in view of Muller alone
7 are obviated by the claim cancellations above. The Applicant also believes that the claims in the
8 case after entry of the above amendments are not obvious in view the proposed combination of
9 Muller and Emmert on the ground that the proposed combination of Muller and Emmert does not
10 include each element required in the present claims.

11 Independent claims 50 and 51 are directed to embodiments of the present invention which
12 include ring-shaped wall elements such as shown in Figures 6-8 of the present application. As
13 such, each of these claims requires (at element (f)) that the two wall sections are formed by two
14 wall elements, each wall element formed as a ring-shaped, radially slotted plate, and with the
15 bending regions being formed at least in the wall element regions between the slots.

16 Referring to Figures 6-8 and the discussion regarding those figures in the clean version of
17 the substitute specification from the last paragraph beginning on page 22 to the first paragraph of
18 page 27, these embodiments each include two radially slotted wall elements 3' each wall element
19 3' defining a number of wall sections 3 between the radial slots. As best shown in Figure 6b and
20 discussed at the top of page 23 of the clean substitute specification, the radially slotted wall
21 elements may be placed together to form a ring-shaped base element 7 and the pairs of wall
22 sections 3 may be connected to a respective force-applying element 17. This arrangement is to

1 be distinguished from the arrangement shown in Figures 8a-c in which the ring-shaped base
2 element 7 is part of a housing made up of two housing halves 51 and 53 (as discussed at page 25
3 of the clean substitute specification), while the force-applying element 17 comprises a slotted
4 ring.

5 In rejecting claims 50 and 51 in view of the proposed combination of Muller and Emmert,
6 the Final Office Action indicates that the Muller reference fails to disclose the two wall elements
7 each comprising a ring-shaped, radially slotted plate (Final Office Action at the final paragraph
8 of page 5). The rejections rely on the Emmert patent for showing the radially slotted plate
9 components. In particular, the Final Office Action makes the following statement regarding
10 Emmert in support of the rejection of claims 50 and 51.

11 Emmert teaches two wall sections formed by wall elements (**the wall elements**
12 **are part of a base element, this is consistent with instant figure 8a-8c**), the
13 wall elements have a radial slotted region for receiving the bending wall regions.
14 (Final Office Action at p. 6, lines 1-3)(Emphasis Added).

15 The Applicant first notes that the comment set out in bold in the above quote indicates a
16 misunderstanding of the wall elements shown in Figures 8a-c of the present application and
17 claimed in claims 50 and 51. In particular, the claimed wall elements 3' are separate from the
18 base 7 in the embodiment shown in Figures 8a-c of the present application. As shown probably
19 best in Figures 8a and 8b of the present application, the claimed ring-shaped radially slotted
20 plates 3' are mounted inside the housing halves 51 and 53 which form the base 7, and are clearly
21 separate from the housing halves.

22 The Applicant also notes that the above-quoted comment from the Final Office Action
23 does not particularly point out the structure in Emmert which is being considered "wall

1 elements" and a "radially slotted region." Upon further review of the Emmert patent, the
2 Applicant respectfully submits that the Emmert patent simply does not disclose any element that
3 can be considered a ring-shaped plate or radially slotted plate of any type, and certainly not of the
4 type defined in claims 50 and 51.

5 Because the proposed combination of Muller and Emmert fails to teach or suggest each
6 element required in claims 50 and 51, the Applicant respectfully submits that the rejection of
7 claims 50 and 51 is in error and that these claims, together with their respective dependent
8 claims, are not obvious in view of the proposed combination and are entitled to allowance.

9
10 IV. CONCLUSION

11 For the above reasons the Applicant respectfully requests reconsideration and allowance
12 of claims 39-42 and 44-51, and consideration and allowance of new claims 52 and 53.

13 If the Examiner should feel that any issue remains as to the allowability of these claims,
14 or that a conference might expedite allowance of the claims, he is asked to telephone the
15 undersigned attorney.

16 Respectfully submitted,

17 THE CULBERTSON GROUP, P.C.

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